

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present Application. Claims 14-50 are pending in the present application. Claims 1-13 are cancelled. Claims 14, 32, and 40 are independent claims.

35 U.S.C. §112 First Paragraph Rejections

Claims 14-50 stand rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. Insofar as it pertains to the presently pending claims, this rejection is respectfully traversed

Claim 14

Claim 14 stands rejected as not having a basis in the specification for the limitation of "determining an appropriate billing party based on passenger identification." Applicant respectfully submit that paragraphs 13 and 15 of the specification provide support for this claim limitation.

Paragraph 13 states, in pertinent part, that "each passenger of the aforesaid elevator is charged for using the elevator on the basis of the number of times of use via the aforesaid card comprising the personal data of the passenger wanting to enter the elevator." Applicant therefore submits that in order to charge a passenger via a card comprising their personal data, a charge account, billing address, or billing party must be contained in or associated with the personal data of the passenger.

Paragraph 15 states, in pertinent part, that "according to an embodiment of the invention, the degrees of mobility of user groups of different ages relating to elevator use are taken into account" for billing purposes. Applicant once again submits that in order to charge people based on identifying passenger data, including age and mobility,

a charge account, billing address, or billing party must inherently be contained in or associated with the personal data of a passenger.

At least in view of the above, Applicant respectfully submits that the limitation of "determining an appropriate billing party based on passenger identification" is inherent to the invention and therefore at least implicitly contained in the specification.

Claim 32

Claim 32 stands rejected as not having a basis for the claim limitation "wherein an appropriate fee is assessed to each passenger upon the interaction of said reader device and said access device based on a predetermined fee schedule such that repayment costs are equitably distributed wherein said fee schedule determines the timetable for full repayment of elevator investment costs." Applicant respectfully submits that page 2 of the specification provides support for this claim limitation.

Paragraph 15 of the specification states, in pertinent part, that "passengers are charged different sums for the use of the aforesaid elevator depending on the destination floor." Applicant respectfully submits that this is an example of a type of fee schedule where access to a higher floor is more expensive, thereby requiring users who travel further on the elevator to pay more.

With respect to the portion of claim 32 that states "wherein said fee schedule determines the timetable for full repayment of elevator investment costs," Applicant agrees that this claim limitation is insufficiently supported by the specification and has amended claim 32 to instead recite the limitation "wherein said fee schedule shortens the time period for full repayment of elevator investment costs." Support for this claim limitation is found in paragraph 11 of the specification.

Claim 40

Claim 40 stands rejected as not having a basis for the claim limitation "wherein an appropriate fee is assessed to each passenger upon the interaction of said reader device and said access device based on a predetermined fee schedule such that repayment costs are equitably distributed wherein said fee schedule determines the timetable for full repayment of elevator investment costs." Applicant has amended claim 40 in the same manner and claim 32 and therefore respectfully submits that the amended limitation of claim 40 is supported by the specification for the same reasons as set forth with respect to claim 32.

Summary

At least for the reasons set forth above, Applicant respectfully submits that independent claims 14, 32, and 40 all meet the written description requirement of 35 U.S.C. § 112. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

35 U.S.C. § 102(b) Rejection

Independent claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,354,405 to Svensson-Hillford. Claim 1 is cancelled, rendering this rejection moot.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael K. Mutter, Reg. No. 29,680, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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